

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MARIBEL RUIZ,)	
)	
Plaintiff,)	Cause No.
)	
v.)	
)	
RUBY TUESDAY, INC.,)	
)	
Defendant.)	

COMPLAINT

Plaintiff, by counsel, alleges against Defendant as follows:

1. The plaintiff is Maribel Ruiz, (“Plaintiff”), a Hispanic/Latino woman and a qualified employee of the defendant at all times material to this Charge.
2. Plaintiff contends she was discriminated and retaliated against by the Defendant on the basis of her race and national origin in violation of her federally protected rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (“Title VII”), and 42 U.S.C. § 1981.
3. The defendant is Ruby Tuesday, Inc., (“Defendant”), a corporation doing business at 1050 East Coliseum Boulevard, Fort Wayne, Allen County, Indiana. Defendant has a registered agent address of C T Corporation System, 150 West market Street, Suite 800, Indianapolis, Indiana 46204, and a corporate address of 333 East Broadway Avenue, Maryville, Tennessee. Defendant is an “employer” for the purposes of Title VII and § 1981.
4. Plaintiff was employed by Defendant from October 1997 until her termination on or about April 30, 2019. At all times material to this cause, Plaintiff performed within the reasonable expectations of her employer.
5. Plaintiff filed her Charge of Discrimination on August 21, 2019; (EEOC No. 470-2019-

04109), a copy of which is attached hereto, incorporated herein, and made a part hereof as “Exhibit A.” The EEOC issued its Dismissal and Notice of Rights on November 19, 2019, a copy of which is attached hereto, incorporated herein, and made a part hereof as Exhibit “B”.

6. The Plaintiff began working for the Defendant in October, 1997. During the entire time of her employment with the Defendant, a period of 22 years, the Defendant was aware of the Plaintiff’s immigrant status, and her need to periodically update paperwork on her work permit.

7. During recent months, Plaintiff began to experience disparaging remarks of a racial nature, such as “shut that Hispanic music off”, we hear “Border Patrol is looking for you”, and similar.

8. Upon information and belief, Plaintiff contends that she and other Hispanic/Latino workers were paid less than similarly situated Caucasian/White American employees of Defendant. On occasion the Plaintiff even worked overtime and was not paid for the overtime work.

9. Plaintiff also contends that the White employees of Defendant were allowed to work in groups together, but she was segregated and made to work alone on tasks.

10. During the routine finalization of her immigration status/work permit paperwork, the Plaintiff’s Immigration attorney called her employer, the Defendant to obtain information.

11. On or about April 30, 2019, the Defendant terminated the Plaintiff for the proffered reason of concerns over her social security number and/or immigration status.

12. The Plaintiff contends that the proffered reason for termination was false and pre-textual, and that in reality she was discriminated against, harassed, and retaliated against on the basis of her race and/or national origin.(Hispanic/Latino), in violation of the Plaintiff’s federally protected rights under Title VII (and/or § 1981).

13. The Defendant’s unlawful, discriminatory, harassing, and retaliatory conduct was the

direct and proximate cause of the Plaintiff suffering the loss of her job and job related benefits including income, and subjected the Plaintiff additionally to inconvenience, mental anguish, emotional distress and other damages and injuries. The Plaintiff is entitled to seek compensatory damages and reasonable attorney's fees and costs from the Defendant.

14. The Defendant's complained of conduct was intentional, knowing, willful, wanton, and in reckless disregard of the Plaintiff's federally protected rights under Title VII (and/or §1981). The Plaintiff is entitled to seek punitive damages against the Defendant.

WHEREFORE, Plaintiff respectfully prays for judgment against Defendant for lost wages, compensatory damages, punitive damages, front pay, reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

/s/ Christopher C. Myers

Christopher C. Myers, #10043-02
809 South Calhoun Street, Suite 400
Fort Wayne, IN 46802
Telephone: (260) 424-0600
Facsimile: (260) 424-0712
E-mail: cmyers@myers-law.com
Counsel for Plaintiff